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**FROM:** Christine A. Gritzmacher  
Gen-Probe Incorporated  
10210 Genetic Center Drive  
San Diego, California 92121

**TO:** Examiner: Schmidt, M.  
Group 1635

**U.S. Patent & Trademark Office**

Phone No. (858)410-8926  
Facsimile No. (858)410-8928

Facsimile No. (703) 305-7939

Number of pages (including this cover page) 27

In re patent application of:

Group Art Unit: 1635

HARVEY et al.

Examiner: Schmidt, M.

Serial No. 09/121,239

Atty. Docket No. GP091-02.UT

Filed: July 23, 1998

Date: November 13, 2001

Title: METHODS FOR DETECTING AND  
MEASURING SPLICED NUCLEIC  
ACIDS

**FAX RECEIVED**

NOV 20 2001

Transmitted herewith:

**GROUP 1600**

- 1) Fee Transmittal for FY 2002 (1 pg.);
- 2) Amendment After Final (19 pgs.); and
- 3) Marked-up Copy of Amendments (6 pgs.).

**OFFICIAL**

**CERTIFICATE OF TRANSMISSION**

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(Fax No. (703) 872-9307)

on November 13, 2001

By:

*Christine Gritzmacher*  
Christine A. Gritzmacher

Approved for use through 10/31/2002. OMB 0651-0032  
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## FEE TRANSMITTAL for FY 2002

*Patent fees are subject to annual revision.*

<b>TOTAL AMOUNT OF PAYMENT</b>		<b>(\$)</b>	<b>0.00</b>
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Complete If Known	
Application Number	09/121,239
Filing Date	July 23, 1998
First Named Inventor	HARVEY et al.
Examiner Name	Schmidt, M.
Group Art Unit	1635
Attorney Docket No.	GP091-02.UT

METHOD OF PAYMENT	FEE CALCULATION (continued)
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1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: **07-0835**

Deposit Account Name: **Gen-Probe Incorporated**

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130 205 65		Surcharge - late filing fee or oath	
127 50 227 25		Surcharge - late provisional filing fee or cover sheet	
139 130 139 130		Non-English specification	
147 2,520 147 2,520		For filing a request for <i>ex parte</i> reexamination	
112 920* 112 920*		Requesting publication of SIR prior to Examiner action	
113 1,840* 113 1,840*		Requesting publication of SIR after Examiner action	
115 110 215 55		Extension for reply within first month	
116 400 218 200		Extension for reply within second month	
117 920 217 460		Extension for reply within third month	
118 1,440 218 720		Extension for reply within fourth month	
128 1,980 228 980		Extension for reply within fifth month	
119 320 219 180		Notice of Appeal	
120 320 220 180		Filing a brief in support of an appeal	
121 280 221 140		Request for oral hearing	
138 1,510 138 1,510		Petition to institute a public use proceeding	
140 110 240 55		Petition to revive - unavoidable	
141 1,280 241 640		Petition to revive - unintentional	
142 1,280 242 640		Utility issue fee (or reissue)	
143 480 243 230		Design issue fee	
144 620 244 310		Plant issue fee	
122 130 122 130		Petitions to the Commissioner	
123 50 123 50		Processing fee under 37 CFR 1.17(q)	
128 180 128 180		Submission of Information Disclosure Stmt	
581 40 581 40		Recording each patent assignment per property (times number of properties)	
148 740 248 370		Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740 249 370		For each additional invention to be examined (37 CFR § 1.129(b))	
179 740 279 370		Request for Continued Examination (RCE)	
169 900 169 900		Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740 201 370		Utility filing fee	
106 330 206 165		Design filing fee	
107 510 207 255		Plant filing fee	
108 740 208 370		Reissue filing fee	
114 160 214 80		Provisional filing fee	

**SUBTOTAL (1) (\$)** 0

### 2. EXTRA CLAIM FEES

Claims Pending	Previously Paid	Extra Claims	Fee from below	Fee Paid
Total Claims	20	-20** = 0	X 18 = 0	0
Independent Claims	3	-3** = 0	X 84 = 0	0
Multiple Dependent				

### Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description
103 18 203 9		Claims in excess of 20
102 84 202 42		Independent claims in excess of 3
104 280 204 140		Multiple dependent claim, if not paid
109 84 209 42		** Reissue independent claims over original patent
110 18 210 9		** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2) (\$)** 0

\*\*or number previously paid, if greater; For Reissues, see above

**SUBTOTAL (3) (\$)** 0

\*Reduced by Basic Filing Fee Paid

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Christine A. Gritzmacher	Registration No. (Attorney/Agent)	40,627
Signature	<i>Christine A. Gritzmacher</i>	Telephone	(858) 410-8926
		Date	November 13, 2001

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Received from <858 410 8928> at 11/14/01 12:06:25 AM [Eastern Standard Time]

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants:	HARVEY et al.	)	Examiner: Schmidt, M.
Serial No.	09/121,239	)	Group Art Unit: 1635
Filed:	July 23, 1998	)	
For:	METHODS FOR DETECTING AND MEASURING SPLICED NUCLEIC ACIDS	)	Docket No.: GP091-02.UT

#22 / R.T.  
11-20-01  
E  
(U.E.)

**AMENDMENT AFTER FINAL  
FILED VIA FACSIMILE**

Box AF  
Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to the Office Action mailed August 13, 2001, which is hereby timely responded to, kindly amend the above-identified application as follows.

**IN THE CLAIMS**

Please amend Claim 19 as shown in the following set of clean claims.

1. (Reiterated) A method for detecting a fusion nucleic acid consisting essentially of the steps of:
  - a) providing a sample containing a first single-stranded fusion nucleic acid comprising a splice junction;
  - b) contacting under nucleic acid amplification conditions:
    - the first single-stranded fusion nucleic acid,
    - a first primer which hybridizes to the fusion nucleic acid at a first primer binding

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Date: November 13, 2001

Christine Gritzmacher  
Christine A. Gritzmacher